

REMARKS

Please reconsider the application in view of the above amendments and following remarks. In the Office action mailed on November 16, 2007, pending claims 3, 5, 7-14, and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over European Pat. No. EP0422678 to Eugler (Eugler) and U.S. Pat. No. 6,296,161 to Van der Feen et al. (Van der Feen). Applicants traverse these rejections and respectfully request reconsideration of the application under 37 C.F.R. § 1.111 and allowance of the pending claims.

Amendments to correct drafting errors

Claim 5 is currently amended to recite "one of the first and second portions having a catch **including a pawl**" to provide the appropriate antecedent basis for the next phrase ("wherein the pawl can be pushed aside"). The significance of "a pawl" or "the pawl" to patentability is discussed further in the next section.

Claim 9 is currently amended to recite "**the** catch is manipulated to an open position." The appropriate antecedent basis ("a catch") was already present in the amended claim.

Claim 18 is currently amended to recite "connecting the **lid** to the bottom" from the original "connecting the *lit* to the bottom."

Rejections under 35 U.S.C. § 103

Claim 3 and 9

Claim 3 is amended to recite, and claim 9 already recites, that "the catch includes a spring that urges the enlarged structure to disengage when the catch is manipulated to an open position." Applicants submit that neither Eugler nor Van der Feen discloses at least the above-mentioned feature of amended independent claim 3 and independent claim 9.

The Examiner contends that the catch disclosed in Figures 3-5 of Eugler includes a spring **14** that biases the catch toward the closed position (Office action, pg. 3). As shown in Figure 3, below, Eugler does disclose a spring. However, Eugler does not disclose a spring that "urges the enlarged structure to disengage when the catch is

manipulated to an open position,” as recited in amended independent claim 3. As configured, and as described in the machine translation provided by the Office, spring **14** of Eugler imposes only a horizontally-directed force on “belt buckel” **9**, forcing it to slide axially into recess **21** on “owner” **10**.

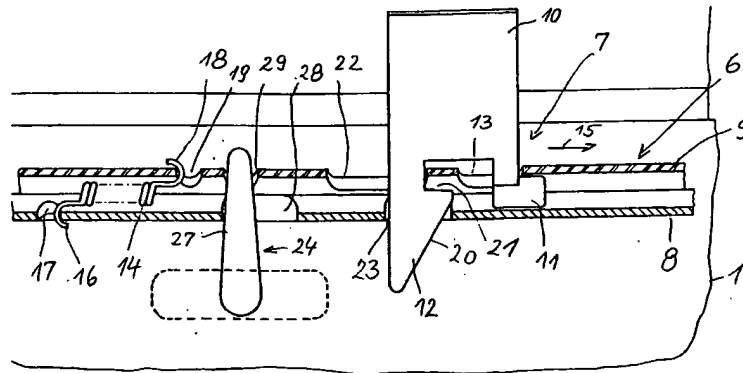


Fig. 3

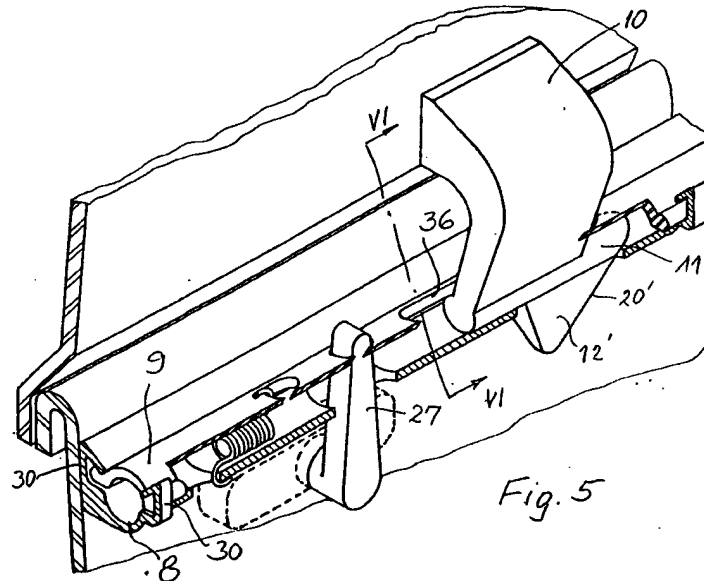
Spring **14** of Eugler does not apply any force to “owner” **10** (the Examiner’s analog to Applicants’ “enlarged structure”), nor does it appear in any other way to “urge the [owner] to disengage when the catch is manipulated to an open position.” Thus, Eugler cannot reasonably be read to disclose the above-mentioned feature recited in amended independent claim 3 and independent claim 9. The secondary citation to Van der Feen discloses only a clamp to secure a car top carrier to a car, so Van der Feen cannot remedy the described deficiency in the disclosure of Eugler. Accordingly, Applicants respectfully request allowance of independent claims 3 and 9 at least on this basis.

Claims 5, 7, 8, and 9

Claims 5, 7, 8, and 9 all recite a car top carrier having “a catch including a pawl mounted for rotational movement around an axis perpendicular to the closing [or release] direction.” These amendments are supported in Figures 16-18 of the specification. Applicants submit that neither Eugler nor Van der Feen discloses at least the above-mentioned feature of amended independent claims 5, 7, 8, and 9.

The Examiner asserts that Eugler discloses, at least in Figure 7 (shown below), a pawl **11** that can be pushed aside by the enlarged structure **10** upon entry but not exit of the catch as required by Applicants’ claims 5, 7, 8, and 9 (Office action, ppg. 4-7). This assertion is respectfully traversed.

It appears from the cited Figures and the machine-translated text of Eugler that the disclosed "hinge part" 11 is in fixed relation to "owner" 10, and that "hinge part" 11 forces "photograph camp" 8 and "belt buckel" 9 to slide horizontally so that "owner" 10 can be locked into place. As shown and described, "hinge part" 11 of Eugler does not disclose the pawl of Applicants' claims 5, 7, 8, and 9.



As understood in the art, and as used in Applicants' specification, a pawl is "a pivoted tongue or sliding bolt on one part of a machine..." (Merriam-Webster online dictionary, <http://m-w.com/dictionary/pawl>). As is clear from the specification, Applicants use the term "pawl" in the sense of a "pivoted tongue" (i.e. a rotatably mounted body) rather than a "sliding bolt." First, Applicants' specification states that "pawl 122 is rotated in the direction of arrow 152" (Specification, pg. 10, line 22). Second, the specification recites that "pawl 122 is permitted to rotate back to its original orientation" (Specification, pg. 11, lines 2-3). Finally, the specification recites that the catch mechanism works via "rotation of pawl member 122 out of the way of the main receiving channel in receiving portion 120" (Specification, pg. 11, lines 17-20). Consistent with this use of the word "pawl," Applicants' Figures 15-18 show a rotatably-mounted body or pivoted tongue 122 moving along an arcuate path 152. Applicants have amended claims 5, 7, 8, and 9 to reflect and clarify this use of the term "pawl."

Because Eugler discloses only a slidably-mounted "belt buckel" with no capacity for rotational movement, Eugler cannot reasonably be read to disclose "a pawl mounted

for rotational movement,” as recited in amended independent claims 5, 7, 8, and 9. The secondary citation to Van der Feen discloses only a clamp to secure a car top carrier to a car, so Van der Feen cannot remedy the described deficiency in the disclosure of Eugler. Accordingly, Applicants respectfully request allowance of amended independent claims 5, 7, 8, and 9 at least on this basis. Claims 10-14 depend from and recite further limitations to amended independent claim 7. Therefore, the rejections of claims 10-14 should be withdrawn and those claims should be allowed when claim 7 is allowed.

Independent claim 8 recites a “substantially spherical” “enlarged structure configured for receipt by the catch.” The Examiner made no citation to a spherical element in Eugler. Applicants note that, as shown in Figure 5 (above), the enlarged structure of Eugler (10) is non-spherical. Therefore, Eugler cannot anticipate amended independent claim 8. For at least this additional reason, Applicants respectfully request allowance of amended independent claim 8.

Independent claim 9 recites that “the catch is provided with a spring that urges the enlarged structure to disengage when the catch is manipulated to an open position.” As discussed above earlier, Eugler does not disclose a spring that imposes a force on the enlarged structure, urging it to disengage. Therefore, Eugler cannot anticipate amended independent claim 9. For at least this additional reason, Applicants respectfully request allowance of amended independent claim 9.

Claim 18

Currently amended independent claim 18 recites “a first portion secured to the lid, and a second portion secured to the bottom...the first and second portions being configured to permit relative rotation around at least two axes.” Applicants submit that neither Eugler nor Van der Feen discloses at least the above-mentioned feature of independent claim 18.

The Examiner asserts that Eugler discloses all elements of claim 18, including that the device of Eugler is “configured to permit relative rotation around two axes (See Figures 1-7)” (Office action, pg. 9). This assertion is respectfully traversed.

The Examiner provides no specific citation to a portion of Eugler that discloses that the first and second portions of Eugler move around any axes, and Applicants can

discern no way in which the device of Eugler provides for rotation around more than one axis. Indeed, because Eugler discloses a cylindrical element ("hinge part" 11) housed in a cylindrical shell (whose two halves are "photograph camp" 8 and "belt buckel" 9), it appears that the device of Eugler must be restricted to rotation about a single axis (that running through the center of both the hinge part and the elongated space).

Because Eugler discloses a structure which is restricted to rotation around only a single axis, Eugler cannot reasonably be read to disclose "first and second portions...configured to permit relative rotation around at least two axes" as recited in amended independent claim 18. The secondary citation to Van der Feen discloses only a clamp to secure a car top carrier to a car, so Van der Feen cannot remedy the described deficiency in the disclosure of Eugler.

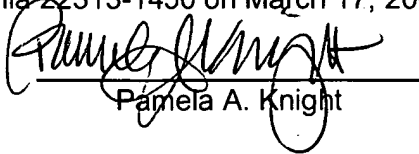
Accordingly, Applicants respectfully request allowance of amended independent claim 18 at least on this basis.

Conclusion

Applicants believe the application as amended is in condition for allowance. Please contact the undersigned attorney of record if there are any additional issues to address.

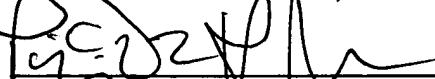
CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, to: Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on March 17, 2008.


Pamela A. Knight

Respectfully submitted,

KOLISCH HARTWELL, P.C.



Pierre C. Van Rysselberghe

Registration No. 33,557

Customer No. 23581

Of Attorneys for Applicants

200 Pacific Building

520 S.W. Yamhill Street, Suite 200

Portland, Oregon 97204

Telephone: (503) 224-6655

Facsimile: (503) 295-6679